

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OSCAR HERRERA,

Defendant.

8:11CR43

ORDER

Defendant Oscar Herrera (Herrera) appeared before the court on February 28, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 285). Herrera was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Herrera waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Herrera should be held to answer for a final dispositional hearing before Chief Judge Smith Camp.

The government moved for detention. Through counsel, Herrera presented no evidence and otherwise waived a detention hearing. Since it is Herrera's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Herrera has failed to carry his burden and that Herrera should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on April 24, 2014**. Defendant must be present in person.

2. Defendant Oscar Herrera is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 28th day of February, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge